

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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SECURITIES INVESTOR PROTECTION :  
CORPORATION, :

Plaintiff, :

-v- :

BERNARD L. MADOFF INVESTMENT :  
SECURITIES LLC, :

Defendant. :

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In re: :

MADOFF SECURITIES :

-----X  
PERTAINS TO THE FOLLOWING CASES: :

-----X  
IRVING H. PICARD, :

Plaintiff, :

-v- :

ROBERT GREENBERGER and PHYLLIS :  
GREENBERGER, :

Defendants. :

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IRVING H. PICARD, :

Plaintiff, :

-v- :

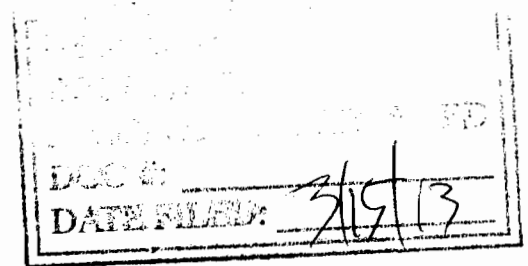
STANLEY SHAPIRO et al., :

Defendants. :

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JED S. RAKOFF, U.S.D.J.

12 MC 115 (JSR) ←

ORDER



11 Civ. 4928 (JSR)

11 Civ. 5835 (JSR)

Irving H. Picard (the "Trustee"), appointed as trustee pursuant  
to the Securities Investor Protection Act ("SIPA"), 15 U.S.C. §

78aaa et seq., for the consolidated liquidation of Bernard L. Madoff Investment Securities, LLC ("Madoff Securities"), brought avoidance and recovery proceedings against the defendants in the two above-captioned cases seeking the return of funds allegedly wrongfully transferred from Madoff Securities to the defendants. On February 29, 2012, the Court withdrew the reference to the Bankruptcy Court on certain issues raised in these cases. See Order, 11 Civ. 4928, ECF No. 21 (Feb. 29, 2012). On May 4, 2012, defendants in both cases filed motions to dismiss the Trustee's complaints based on these withdrawn issues.

On May 18, 2012, after the Court consolidated briefing on some of the issues raised in the defendants' motions to dismiss, the Court issued an Order in which Trustee and the defendants stipulated to resolving portions of the pending motions to dismiss and otherwise setting a new briefing schedule for any renewed motions to dismiss. See Stipulation and Order, 12 MC 115, ECF No. 117 (May 17, 2012). Accordingly, the Court hereby finds that the original motions to dismiss filed by the defendants in the above-captioned cases are denied as moot or, as to some issues, denied on the consent of the parties. The Clerk of the Court is hereby ordered to close item number 22 on the docket of 11 Civ. 4928 and item number 25 on the docket of 11 Civ. 5835.

SO ORDERED.

Dated: New York, NY  
March 19, 2013

  
JED S. RAKOFF, U.S.D.J.